

REMARKS

Claims 25-59 are pending. In the Office Action mailed January 27, 2006, the Examiner rejected Claims 25-59 under 35 U.S.C. §102(b). Each rejection is addressed below.

I. Rejection of Claims 25-59 under 35 U.S.C. §102(b)

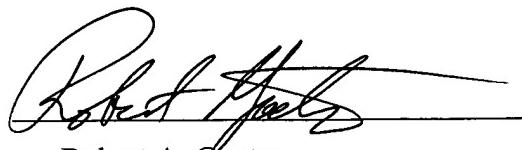
Claims 25-59 are rejected under 35 U.S.C. §102(b) as being anticipated by Bielinska, et al., 2000, Biomaterials 21:877-887 (hereinafter, “the Bielinska reference”). The Applicants disagree with the Examiner. In response to a 35 U.S.C. §102(a) rejection in the Office Action mailed January 13, 2005, the Applicants submitted a 37 C.F.R. §1.132 Declaration dated July 11, 2005 from Inventor Roessler asserting that the Bielinska reference is a publication of the Applicants’ own work published within the year before the filing date of the present application, and therefore, is not prior art. In the Restriction Requirement mailed September 28, 2005, the Examiner accepted the Roessler Declaration, withdrew the Bielinska reference as prior art, and stated, “The rejection of claims 1-15, 25-29, 32-45 and 60-64 under 35 U.S.C. 102(a) as being anticipated by Bielinska...is withdrawn in light of the 132 declaration by Blake J. Roessler for and on behalf of co-inventors...” Restriction Requirement mailed January 13, 2005, page 2.

In the present Office Action, the Examiner now recites the Bielinska reference against Claims 25-59 in a 35 U.S.C. §102(b) rejection. First, the Bielinska reference cannot be a 35 U.S.C. §102(b) source of prior art as it was published within the year before the filing date of the present application. Second, the Examiner has already acknowledged that the Bielinska reference is a publication of the Applicants’ own work published within the year before the filing date of the present application, and therefore, is not prior art (See, Restriction Requirement mailed January 13, 2005, page 2). As such, the Applicants respectfully request these rejections be withdrawn, and the claims passed into allowance.

II. CONCLUSION

Each rejection of the Office Action mailed January 27, 2006 has been addressed. Should the Examiner believe that a telephone interview would aid in the prosecution of this application Applicants encourage the Examiner to call the undersigned collect at (608) 218-6900.

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Robert A. Goetz
Registration No. 55,210

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
(608) 218-6900